

Salita vs. calleja digest

[Law](#), [Court](#)



Salita vs. Calleja 02 SCRA 787 Facts: This is a case for injunction filed by Pacienca Salita to prevent the sale by the Sheriff of Manila of a house in satisfaction of a judgment for a sum of money obtained by defendant-appellee Eduardo Calleja in another case against Francisco Domingo, admittedly the original owner of the said house. Mercedes Domingo purchased the land from Realty Investment Incorporated. She, and her husband, then constructed a house on the purchased lot. The vendee failed to pay the price of the lot, but after five months the ownership was conveyed to her by way of sale with mortgage upon the property which was annotated at the back of the TCT. Mercedes then sold the property to Salita and a new TCT was made with the annotations of the mortgage. Salita then mortgaged the property to Rehabilitation Finance Corporation in order to pay the balance payment of Mercedes. Calleja, after sometime, then filed a third party claim over the property stating that he bought the property from CM HOSKINS Corporation. The Court decided the case in favor of Calleja, hence this appeal. Issue: Whether or not Calleja has a claim over the property? Held: The Supreme Court decided the case in favor of Salita. It is stated that Salita has a greater claim over the property since he actually possess a registered title and that he used his own money in order to pay for the property. The claim of Calleja is just for the security of her claim and not for ownership over the property. Also, the title given to Calleja cannot be accepted because of some flaws.